

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
PETER J. MALLEY,

Plaintiff,

-against-

NEW YORK CITY BOARD OF EDUCATION;
CITY OF NEW YORK; CORPORATION
COUNSEL FOR THE CITY OF NEW YORK,

Defendants.
-----X

NICHOLAS G. GARAUFIS, United States District Judge:

MEMORANDUM & ORDER

08-CV-908 (NGG)

Plaintiff Peter J. Malley ("Malley" or "Plaintiff") is a frequent and vexatious litigant in the Second Circuit and the United States District Courts for the Southern and Eastern Districts. See generally In re request for leave to file by Peter J. Malley, No. 05-MC-0015 (NGG), slip op. at 1-2 (E.D.N.Y. Jan. 14, 2005). By Memorandum and Order dated November 15, 2005, the court sanctioned Plaintiff in the amount of \$2,500.00 and directed the Clerk of Court not to accept any further submissions from Plaintiff until such sanction is paid to the Clerk of Court. Id. Recently, Malley submitted to every judge in the U.S. District Court for the Eastern District of New York a "Petition for Leave to File in the SDNY." In light of the court's prior order, the filing of Plaintiff's instant submission and the assignment to it of the above-referenced docket number was in error.

Plaintiff's request for leave to file is DENIED. The Court reiterates that the Clerk of Court is directed (1) to impose a \$2,500.00 sanction upon Plaintiff and (2) not to accept any further submissions from Plaintiff until such sanction is paid to the Clerk of Court. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore

in forma pauperis status is denied for the purpose of any appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of Court is directed to close the case and serve a copy of this Memorandum & Order upon Plaintiff.

SO ORDERED.

Dated: March 13, 2008
Brooklyn, New York

/signed/

NICHOLAS G. GARAUFIS
United States District Judge